IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.235 OF 2007

IN

LETTERS PATENT APPEAL NO.78 OF 2007

IN

WRIT PETITION NO.8070 OF 2006

The President, The Nashik
Jilla Ahilyadevi Shikshan
Prasarak Mandal. ...Applicant.

vs.

1.Sou.Pramila Govind More
and others. ...Respondents.

Mr.F.A.Mulla, for Applicant.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 27th NOVEMBER,2007.

P.C.:-

This civil application has been taken out by the applicant. Heard the learned counsel appearing for applicant. Civil application is granted in terms of prayer clause (a).

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)

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1. The appeal though not on board, taken up for hearing by consent of the appellant/applicant. The appellant by this appeal challenges the order dated 15.3.2007 passed by the learned Single Judge of this Court in Writ Petition no.8070 of 2006. That petition

was filed by the present appellant. Perusal of that writ petition itself shows that the petition was filed under Article 227 of the Constitution of India and therefore, this letters patent appeal is not maintainable. Apart from that, even on merit we find no reason to interfere with the impugned order because the petition was filed by the Management claiming that the respondent no.3 is senior to respondent no.1, but on the date of promotion the respondent no.3 was not working in the school because of transfer order issued by the management itself and that transfer order was not challenged by anybody. Looking at the matter from any point of view, there is no room to interfere with the order impugned. Letters Patent appeal is disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)